THE HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO.16264 OF 1996

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Dated: 08.09.2005

Between:

Y. Nooka Raju, S/o Nookalu,
Khalasi, Employment No.102564, Personnel Department,

Visakhapatnam Steel Plant, Visakhapatnam.

..... PETITIONER

AND

Visakhapatnam Steel Plant, rep. by its Chairman-cum-Managing

Director, Visakhapatnam

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.16264 OF 1996

ORDER:

The present writ petition is filed seeking to direct the respondent to give effect to the adoption by including the name of petitioner's son in the list of dependants for all practical purposes by nullifying the decision in proceedings No.PL/NW/95/3514, dated 14.10.1995.

The grievance of the petitioner is that as he has no children, he adopted a boy, by name Pentaiah under a registered adoption deed dated 07.08.1995. Subsequently, he made a representation to the respondent-Company, in which he is working, seeking to include the name of his adopted son in the list of family members, but the same was rejected by the respondent-Company vide impugned proceedings dated 14.10.1995. Hence, he filed the present writ petition.

A counter affidavit is filed by the respondent-Company stating that the claim of the petitioner that he has adopted one Pentaiah, aged about 18 years could not be taken into consideration as the adoption of a person who is more than 15 years of age is illegal, unless the custom or usage in vogue permits the same and the petitioner failed to establish that the practice of adopting children of more than 15 years is in vogue as a custom or usage. It is further stated that the petitioner herein is no more and he expired on 19.01.1997 and the final claim amount of Rs.1,45,572.70 ps., was also paid to his wife
Smt. Y. Thotamma, who is the dependant as per the records of the respondent-Company. It is further stated that since no application for bringing the legal representatives of the deceased petitioner on record has been filed, the writ petition stood abated.

Heard the learned counsel for petitioner and learned counsel for respondent.

A perusal of the impugned proceedings clearly indicates that the request of the petitioner, to include the name of his adopted son in the dependants list, was rejected by the respondent-Company on the ground that the age of his adopted son is more than 15 years. Apart from that, the counter averments show that the petitioner herein is no more and he expired on 19.01.1997 and the final claim amount of Rs.1,45,572.70 ps., was also paid to his wife Smt. Y. Thotamma, who is the dependant as per the records of the respondent-Company. But, no application for bringing the legal representatives of the deceased petitioner on record has been filed so far. In the circumstances, I see no illegality or irregularity in the impugned proceedings passed by the respondent-Company warranting interference of this

Court in exercise of its jurisdiction under Article 226 of the Constitution of India. The writ petition is devoid of merit and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 08.09.2005

Nsr